HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.20556 of 2006

Date: 26th December, 2006

Between :-

M/s.Sri Vinayaka Agro Industries,
Chalapathi village, Duggondi Mandal,
Warangal District rep. by its
Managing Partner Dubba Ramesh ..
Petitioner

And

The District Panchayat Officer,
Warangal, Warangal District and 2 others ..
Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

Writ Petition No.20556 of 2006

ORDER:-

1. This Court issued *rule nisi* on 28-9-2006 and granted interim suspension for a limited period which is being extended from time to time.

2. The Writ Petition is filed for a Writ of Mandamus declaring the proceedings dated 26-9-2006 issued by the 2nd respondent and also the proceedings dated 22-9-2006 in Memo No.3571/06/A4 issued by the 1st respondent as illegal, arbitrary and without jurisdiction and pass such other suitable orders.

3. It is stated that by both the Counsel, the Counsel representing the writ petitioner and also Sri Prem Sagar, the learned standing Counsel representing the Gram Panchayat in question, that on 29-9-2006, the A.P.Pollution Control Board, Regional Office, Warangal, had made the following Order:-

A.P.POLLUTION CONTROL BOARD
REGIONAL OFFICE, WARANGAL
Balasamudram, Hanamkonda, Warangal – 506 001.

CONSENT ORDER FOR ESTABLISHMENT

Sub:- M/s.Vinayaka Agro Industries Sy.No.291 & 294/A, Chelaparthi
(v), Duggondi (M), Warangal District – Consent for Establishment of the Board under Section 25 of Water (Prevention & Control of Pollution) Act, 1974 and under

Section 21 of Air (Prevention & Control of Pollution) Act, 1981 – Issued – Reg.

Ref:- 1. Your application Dt.6-9-2006
2. Consent Clearance Committee meeting held on 29-9-2006
3. Undertaking submitted on 29-9-2006.

-: o0o :-

i) In the reference cited you have submitted an application seeking
consent for establishment to set up a Unit to produce the product swith installed capacity as mentioned below, with a total project cost of Rs.93.82 lakhs.
Productions:
1. Boiled Rice / Steamed Rice – 35 TPD
Byproducts:
i) Broken rice 5.0 TPD, ii) Rice bran – 5.0 TPD,
iii) Paddy Husk – 10.0 TPD

ii) As per your application, you are locating the industry at Sy.No.291 &
294/A, Chelaparthi (v), Duggondi (m), Warangal District.

iii) The above site was inspected by EE (FAC) & AEE of Regional
Office, A.P.Pollution Control Board, Warangal on 19-8-2006 and found that it is surrounded by Agricultural lands followed by Singarai cheruvu at distance of about 600 mtrs in Northern direction, open land followed by Narsampet to Warangal Road in Southern direction, Agricultural lands followed by Laknepalli lake at a distance of 1.5 KM and Laknepalli village at a distance of about 2 KM. in Eastern direction and Agricultural lands in Western direction. The nearest human habitation is Chelaparthy village which is at a distance of about 1.6 KM., towards North-East direction.

iv) The Board, after careful scrutiny of the application and inspection
report of your proposed unit, hereby issued CONSENT FOR ESTABLISHMENT to your unit under Section 25 of Water (Prevention and Control of Pollution) Act, 1974 and

under Section 21 of Air (Prevention and Control of Pollution) Act 1981 and the rules made there under. This order is issued to Produce/Manufacture the products mentioned at para (i) only.

v) The order is issued from Pollution Control point of view only. Zoning
and other regulations are not considered

vi) This order is valid for a period of 5 years from the date of issue.

vii) This consent order now issued is subject to the conditions mentioned
in Schedule "A" and Schedule "B".

Sd/-
Environmental Engineer (FAC)
A.P.POLLUTION CONTROL BOARD,
Regional Office, Warangal.

4. In the light of the several facts which had been narrated in paras 2 to 6 of the affidavit filed in support of the Writ Petition and also taking into consideration the impugned proceedings in the Writ Petition and also in the light of the orders placed before this Court dated 29-9-2006, no further orders are required to be passed. Accordingly, the Writ Petition is disposed of. No order as to costs.

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Justice P.S.Narayana

26th December, 2006

smr